



## New Jersey Department of Children and Families Policy Manual

Manual:	NJAC	NJ Administrative Code Excerpts	Effective Date:
Title	10	Human Services	
Chapter	122	Manual of Requirements for Child Care Centers	8/6/2009
Subchapter:	2	Licensing Procedures	
Section	4	<b>Denying, suspending, revoking, or refusing to renew a license or a Certificate of Life/Safety Approval (N.J.A.C. 10:122-2.4)</b>	

### **§10:122-2.4 Denying, suspending, revoking, or refusing to renew a license or a Certificate of Life/Safety Approval**

(a) The Office of Licensing may deny an application or suspend, revoke, or refuse to renew a license or a Certificate of Life/Safety Approval for good cause, including the following, as applicable:

1. Failure or refusal to comply with all applicable provisions of the laws specified in N.J.A.C. 10:122-1.1(a) and of this manual;
2. Violation of the terms and conditions of a license or a Certificate of Life/Safety Approval;
3. Use of fraud or misrepresentation in obtaining a license or a Certificate of Life/Safety Approval or in the subsequent operation of the center;
4. Refusal to furnish the Department with files, reports, or records, as required by this manual;
5. Refusal to permit an authorized representative of the Department to gain admission to the center and/or to conduct an inspection or investigation during the center's operating hours;
6. Any activity, policy, or staff conduct that adversely affects or presents a serious hazard to the education, health, safety, well-being, or development of a child attending a center, or that otherwise demonstrates unfitness by a sponsor/sponsor representative or staff member(s) to operate a center;
7. Failure to provide developmental activities that meet the physical, social, emotional, and cognitive needs of the children served;
8. Failure by the sponsor/sponsor representative to secure and maintain on file conviction disclosures, as specified in N.J.A.C. 10:122-4.1, Child Abuse Record Information (CARI) background checks, as

specified in N.J.A.C. 10:122-4.9, or Criminal History Record Information (CHRI) fingerprint background checks, as specified in N.J.A.C. 10:122-4.10;

9. A determination by the Department's Institutional Abuse Investigation Unit that children in the center are at risk of harm;

10. Refusal by the sponsor/sponsor representative to consent to a Child Abuse Record Information background check for himself or herself, or to terminate the employment of a staff member who refuses to consent to a Child Abuse Record Information background check;

11. Refusal by the sponsor/sponsor representative to terminate the employment of a staff member when a Child Abuse Record Information background check reveals that an incident of child abuse or neglect has been substantiated against the staff member;

12. A Child Abuse Record Information background check that reveals that an incident of child abuse or neglect has been substantiated against the sponsor/sponsor representative; or

13. Failure to comply with the provisions of P.L. 1998, c.35, which prohibit smoking in child care centers, as specified in N.J.A.C. 10:122-7.7(d).

(b) The Office of Licensing shall provide written notice to the sponsor/sponsor representative if it intends to deny an application or suspend, revoke, or refuse to renew a license or a Certificate of Life/Safety Approval. The notice shall specify the Office of Licensing's reasons for such action.

(c) If the Office of Licensing suspends a center's license or Certificate of Life/Safety Approval to prevent the imminent risk of harm to children served by the center, the Office of Licensing may reinstate the suspended license or Certificate of Life/Safety Approval upon the center's compliance with all applicable provisions of this manual.

(d) If the Office of Licensing denies an application or revokes or refuses to renew a center's license or Certificate of Life/Safety Approval, as specified in (a) above, the sponsor/sponsor representative of the center shall be prohibited from reapplying for a license or a Certificate of Life/Safety Approval for one year from the date of the denial, revocation, or refusal to renew. After the one-year period has elapsed, the sponsor/sponsor representative may submit to the Office of Licensing a new application for a license or a Certificate of Life/Safety Approval.

(e) Each license and each Certificate of Life/Safety Approval issued by the Office of Licensing to a center is the property of the State of New Jersey. If the Office of Licensing suspends or revokes a license or a Certificate of Life/Safety Approval, the center shall return the license or Certificate of Life/Safety Approval to the Office of Licensing immediately.

(f) If the Office of Licensing determines to suspend, revoke, or refuse to renew the center's license or Certificate of Life/Safety Approval, the Office of Licensing shall notify the parent of each enrolled child of the action.

1. Upon notification by the Office of Licensing of an action against the center's license or Certificate, the center shall provide to the Office of Licensing the name and mailing address of each child's parent.

2. Within 20 days after notifying the center of the action, the Office of Licensing shall:

- i. Notify parents of the action against the center's license or Certificate;

- ii. Advise parents of the center's right to contest the action through an administrative hearing before the Office of Administrative Law;

- iii. Inform parents of the name, address and telephone number of the resource and referral services offered by the appropriate State-contracted Unified Child Care Agency for assistance in finding alternative child care arrangements, if necessary; and

- iv. Notify the appropriate State-contracted Unified Child Care Agency of the action.